No. 1008

In the Supreme Court of the United States

OCTOBER TERM, 1967

HAVASUPAI INDIAN CONSTITUENTS, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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HANNAHVILLE INDIAN COMMUNITY, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

On October 18, 1967, the Citizen Band of Potawatomi Indians of Oklahoma, *et al.*, and the Prairie Band of the Potawatomie Nation of Indians, *et al.*, filed a petition for a writ of certiorari to review the decision of the Court of Claims in this case. (No. 737, this Term.) The United States filed a Memorandum in Opposition. Certiorari was denied by this Court on January 15, 1968. Several days before certiorari was denied in No. 737, the Hannahville Indian Community, *et al.*, a separate Indian group which

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was a party to the litigation in the Court of Claims, filed the present petition.[1]

The instant petition of the Hannahville Indian Community raises only the issue already tendered to the Court in No. 737.[2] For the reasons given in that Memorandum the decision by the Court of Claims does not warrant review. The court has already denied the petition in No. 737, and the petition of the Hannahville Indian Community presents no basis for reconsideration.

The petition for a writ of certiorari should therefore be denied.

Respectfully submitted.

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FEBRUARY 1968.

[1] The petition herein is timely because, although the decision of the Court of Claims was handed down on April 14, 1967, a motion for reconsideration was not denied until October 13, 1967.

[2] "The sole question posed by the petition is whether, after holding that the United States improperly selected many scattered tracts of mineral land rather than one or a few large contiguous tracts, it was error for the Court of Claims to allow the United States the benefit of the tracts actually selected by way of excluding their value from the fair market value of the lands re-ceded by the Indians." Memorandum for the United States in Opposition, No. 737, pp. 4–5.

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